

scheduling events and hearings necessary to resolve a joint-use dispute so as to conclude the proceeding no later than 360 days after the filing of a complaint.

(Eff. / / , Register )

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

3 AAC 52.940. DEFINITIONS. Unless the context indicates otherwise, in 3 AAC 52.900 -- 3 AAC 52.930

(1) "administrative expense" means administrative expense as defined in the Uniform System of Accounts prescribed in 3 AAC 48.277 for an electric or telephone utility or in a comparable accounting system if in use by the particular electric or telephone utility;

(2) "gross pole investment" includes gross investment for bare distribution poles in the pole accounts in the Uniform System of Accounts prescribed in 3 AAC 48.277 for an electric or telephone utility or in a comparable accounting system if in use by the particular electric or telephone utility;

(3) "maintenance expense" means maintenance expense as defined in the Uniform System of Accounts prescribed in 3 AAC 48.277 for an electric or telephone utility or in a comparable accounting system if in use by the particular electric or telephone utility;

(4) "pole attachment" means any attachment by a CATV utility to a pole owned, operated, or controlled by an electric or telephone utility; and

(5) "usable space" for pole attachments means the space on a pole above the minimum grade level as set forth in the edition of the National Electrical Safety Code adopted in AS 18.60.580 which can be used for the attachment of wires, cables, and associated equipment. (Eff. / / , Register )

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

In these amendments, underlining shows words being added. Words typed in capital letters and enclosed in brackets are being deleted from the regulations.

3 AAC 52 is amended by adding new sections to read:

ARTICLE 5.  
CABLE TELEVISION JOINT USE OF  
ELECTRIC AND TELEPHONE UTILITY FACILITIES

Section

- 900. Application and purpose
- 910. Joint use reimbursement
- 920. Elements used in developing annual joint use rate
- 930. Procedure
- 940. Definitions

3 AAC 52.900. APPLICATION AND PURPOSE. (a) The provisions of 3 AAC 52.900 -- 3 AAC 52.940 apply [THE PROVISIONS OF (3 AAC 52.900 - 3 AAC 52.940) APPLIES] to all electric, telephone, and cable television (CATV) utilities included in the definition of "public utility" in AS 42.05.720(4).

(b) The purpose of 3 AAC 52.900 -- 3 AAC 52.940 [THESE SECTIONS] is to establish a method for reasonable compensation for joint use when [WHERE] a CATV and another utility fail to agree on compensation for joint use of the other utility's poles. [AND CONDUITS. ELECTRIC, TELEPHONE, AND CATV UTILITIES ARE ENCOURAGED TO CONTRACT FOR JOINT USE.] A contract for joint use must [ALL JOINT USE CONTRACTS SHALL] be filed with the commission. Absent unusual circumstances, the [THE] commission [NORMALLY] will assert its authority over CATV joint use only when [WHERE] the utilities disagree on the terms of joint use or a joint use agreement[, ] or when the commission has reason to believe that the utilities are not acting in accordance [CONSISTENT] with the intent of [POLICIES UNDERLYING] AS 42.05. (Eff. / / , Register )

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

3 AAC 52.910. JOINT USE REIMBURSEMENT. (a) The commission will require reimbursement from a CATV utility to an electric or telephone utility for joint use, comprised of two elements:

(1) the [THE] additional costs to the electric or telephone utility of modifications or additions necessitated by the joint use[, ] and

(2) an annual amount determined by multiplying the percentage of total usable space which is occupied by the CATV facilities times the total annual cost of the jointly used facilities.

(b) The formula for [THE SECOND ELEMENT OF] reimbursement under (a)(2) of this section is:

$$\text{Rate} = \frac{\text{CATV occupied space}}{\text{total usable space}} \times \frac{\text{net investment}}{\text{carrying charge ratio}[\cdot]}$$

The formula will [NORMALLY] be used to calculate a rate per pole [OR FOOT OF CONDUIT], in which case the "net investment" is [WILL BE] the electric or telephone utility's average net investment per pole [OR FOOT OF CONDUIT]. (Eff. / / , Register )

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

3 AAC 52.920. ELEMENTS USED IN DEVELOPING ANNUAL JOINT USE RATE. (a) The total usable space and the occupied space will be determined from studies performed by the utilities. Absent acceptable studies of actual usable and occupied space, the commission will apply the following presumptions:

(1) the [THE] occupied space for CATV pole attachments is one foot [, ] and

(2) the [THE] total usable space on a pole is 13.5 feet.

(b) The average investment per pole is determined by dividing the gross pole investment less the associated depreciation reserve by the number of poles. [THE NET AVERAGE INVESTMENT PER FOOT OF CONDUIT IS DETERMINED BY DIVIDING THE GROSS CONDUIT INVESTMENT LESS THE ASSOCIATED DEPRECIATION RESERVE BY THE NUMBER OF FEET OF CONDUIT.]

(c) The carrying charge ratio includes [SHALL INCLUDE, AT A MINIMUM,] the sum of the following:

(1) the depreciation ratio which is calculated [DEPRECIATION RATIO. THIS RATIO IS DEVELOPED] by multiplying the pole [OR CONDUIT] depreciation rate by the ratio of gross pole [OR CONDUIT] investment to net pole [OR CONDUIT] investment;

(2) the tax ratio which [TAX RATIO. THIS] is the ratio of actual taxes paid (except for income taxes) to total net utility plant investment;

(3) the return on investment ratio which [RETURN ON INVESTMENT RATIO. THIS] is the percentage [PERCENT] rate of return authorized by the commission, including weighted cost of debt and equity, or the actual return on net plant allowed by a different ratesetting methodology, and a provision for income taxes, if applicable[, OR THE ACTUAL RETURN ON NET PLANT ALLOWED BY A DIFFERENT RATE-SETTING METHODOLOGY];

(4) the maintenance ratio which [MAINTENANCE RATIO. THIS] is the ratio of annual maintenance expense for poles [OR CONDUITS] to the net pole [OR CONDUIT] investment. For electric utility-owned poles, the maintenance expense is [WILL BE] determined by dividing the maintenance expense for overhead distribution lines by net plant investment of the associated overhead distribution lines; and

(5) the administrative expense ratio which  
[ADMINISTRATIVE EXPENSE RATIO. THIS] is the ratio of  
administrative expense to net utility plant investment.  
(Eff. / / , Register )

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

3 AAC 52.930. PROCEDURE. If [IN THE EVENT THAT] a CATV and  
an electric or telephone utility cannot reach agreement on a  
[ANY] joint-use issue, including compensation, a complaint may be  
filed with the commission and served on the other party setting  
out the relevant facts and a prayer for relief. The other party  
may file an answer to the complaint within 20 days of service of  
that complaint [HAS 20 DAYS TO ANSWER THE COMPLAINT]. The  
commission will accord a priority to scheduling events and  
hearings necessary to resolve a joint-use dispute so as to  
conclude the proceeding no later than [THEN SCHEDULE A PREHEARING  
CONFERENCE. A HEARING WILL BE SCHEDULED AND THE MATTER WILL BE  
RESOLVED WITHIN] 360 days after [OF] the filing of a [THE]  
complaint. (Eff. / / , Register )

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

3 AAC 52.940. DEFINITIONS. Unless the context indicates  
otherwise, in 3 AAC 52.900 -- 3 AAC 52.930 [IN THIS ARTICLE:]

(1) "administrative expense" means [THE]  
administrative expense [EXPENSES] [COMPARABLE TO THAT DEFINED] in  
the Uniform System of Accounts prescribed in 3 AAC 48.277 for an  
[THE] electric or telephone utility[.] or in a comparable  
accounting system if in use by the particular electric or  
telephone utility;

[(2) "GROSS CONDUIT INVESTMENT" MEANS THE GROSS INVESTMENT CARRIED IN THE CONDUIT ACCOUNTS COMPARABLE TO THAT IN THE UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED IN 3 AAC 48.277 FOR THE ELECTRIC OR TELEPHONE UTILITY.]

(2) [(3)] "gross [GROSS] pole investment" includes gross investment for bare distribution poles in the pole accounts [COMPARABLE TO THAT] in the Uniform System of Accounts prescribed in 3 AAC 48.277 for an [THE] electric or telephone utility [.] or in a comparable accounting system if in use by the particular electric or telephone utility;

(3) [(4)] "maintenance [MAINTENANCE] expense" means [THE] maintenance expense [EXPENSES] as [COMPARABLE TO THAT] defined in the Uniform System of Accounts prescribed in 3 AAC 48.277 for an [THE] electric or telephone utility[.] or in a comparable accounting system if in use by the particular electric or telephone utility;

(4) [(5)] "pole [POLE] attachment" means any attachment by a CATV utility to a pole owned, operated, or controlled by an electric or telephone utility[.]; and

(5) [(6)] "usable [USABLE] space" for pole attachments means the space on a pole above the minimum grade level as set forth in the edition of the National Electrical Safety Code adopted in AS 18.60.580 which can be used for the attachment of wires, cables, and associated equipment. (Eff. / / ,  
Register )

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

(21) "past due" means, with respect to a customer's account for electric service, an amount billed for which payment was not received by the utility within 25 days after the date the bill was rendered;

(22) "preinises" means a piece of land or real estate, including buildings and other improvements;

(23) "qualifying facility" means a cogeneration facility or a small power production facility as defined in 3 AAC 50.820(11);

(24) "rendered" means the date a bill is postmarked or the billing date shown on the bill, but the billing date cannot differ from the postmark or mailing date by more than three working days;

(25) "residential use" means use of electricity for domestic purposes such as space, heating, air conditioning, water heating, cooking, and clothes drying, and includes service in apartment buildings, mobile home parks, and other multi-unit residential buildings;

(26) "service complaint" is a claim or dispute regarding a customer's electric service;

(27) "service connection" means the line extending from a distribution line or transformer to a customer's premises or point of delivery where the line, as constructed, is only capable of serving that customer's premises;

(28) "steady-state standard frequency" means the frequency measured over time, ignoring momentary fluctuations due to the addition or subtraction of large loads to the system;

(29) "temporary service" means service to premises or enterprises that are temporary in character, or where it is known in advance that the service will be of limited duration; and

(30) "utility" means an electric utility subject to the jurisdiction of the commission;

(31) "utility plant" means all real estate, fixtures, and property that is owned, controlled, operated, or managed in connection with or to facilitate the production, generation,

transmission, and delivery of electricity for light, heat, or power. (Eff. 1/1/87, Reg. 100)

Authority: AS 42.05.141	AS 42.05.331
AS 42.05.151	AS 42.05.361
AS 42.05.291	AS 42.05.501
AS 42.05.331	AS 42.05.691
AS 42.05.341	

## ARTICLE 5. CABLE TELEVISION JOINT USE OF ELECTRIC AND TELEPHONE UTILITY FACILITIES

### Section

- 900. Application and purpose
- 910. Joint use reimbursement
- 920. Elements used in developing annual joint use rate
- 930. Procedure
- 940. Definitions

**3 AAC 52.900. APPLICATION AND PURPOSE.** (a) The provisions of 3 AAC 52.900 – 3 AAC 52.940 apply to all electric, telephone, and cable television (CATV) utilities included in the definition of "public utility" in AS 42.05.720.

(b) The purpose of 3 AAC 52.900 – 3 AAC 52.940 is to establish a method for reasonable compensation for joint use when a CATV utility and another utility fail to agree on compensation for joint use of the other utility's poles. An agreement for joint use must be filed with the commission. Absent unusual circumstances, the commission will assert its authority over CATV joint use only when the utilities disagree on the terms of joint use or a joint use agreement, or when the commission has reason to believe that the utilities are not acting in accordance with the intent of AS 42.05. (Eff. 5/8/88, Reg. 106)

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

**3 AAC 52.910. JOINT USE REIMBURSEMENT.** (a) The commission requires reimbursement from a CATV utility to an electric or telephone utility for joint use, comprised of the following two elements:

(1) the additional costs to the electric or telephone utility of modifications or additions necessitated by the joint use and

(2) an annual amount determined by multiplying the percentage of total usable space occupied by the CATV facilities times the total annual cost of the jointly used facilities.

(b) The formula for reimbursement under (a)(2) of this section is

$$\text{Rate} = \frac{\text{CATV occupied space}}{\text{total usable space}} \times \frac{\text{net investment}}{\text{investment}} \times \frac{\text{carrying charge ratio}}{\text{charge ratio}}$$

The formula is used to calculate a rate per pole. In the formula, "net investment" is the electric or telephone utility's average net investment per pole. (Eff. 5/8/88, Reg. 106)

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

### 3 AAC 52.920. ELEMENTS USED IN DEVELOPING ANNUAL JOINT USE RATE.

(a) In the formula in 3 AAC 52.910(b), "total usable space" and "occupied space" are determined from studies performed by the utilities. Absent acceptable studies of actual usable and occupied space, the commission will apply the following presumptions:

(1) the occupied space for CATV pole attachments is one foot, and

(2) the total usable space on a pole is 13.5 feet.

(b) In the formula in 3 AAC 52.910(b), the average net investment per pole is determined by dividing the gross pole investment, less the associated depreciation reserve by the number of poles.

(c) In the formula in 3 AAC 52.910(b), the carrying charge ratio includes the sum of the following:

(1) the depreciation ratio, which is calculated by multiplying the pole depreciation rate by the ratio of gross pole investment to net pole investment;

(2) the tax ratio, which is the ratio of actual taxes paid, except for income taxes, to total net utility plant investment;

(3) the return on investment ratio, which is the percentage rate of return authorized by the commission, including weighted cost of debt and equity, or the actual return on net plant allowed by a different ratesetting methodology, and a provision for income taxes, if applicable;

(4) the maintenance ratio, which is the ratio of annual maintenance expense for poles to the net pole investment; for electric utility-owned poles, the maintenance expense is determined by dividing the maintenance expense for overhead distribution lines by net plant investment of the associated overhead distribution lines; and

(5) the administrative expense ratio, which is the ratio of administrative expense to net utility plant investment. (Eff. 5/8/88, Reg. 106)

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

**3 AAC 52.930. PROCEDURE.** If a CATV utility and an electric or telephone utility cannot reach agreement on a joint-use issue, including compensation, a complaint may be filed with the commission, and served on the other party, setting out the relevant facts and asking for relief. The other party may file an answer to the complaint within 20 days after service of that complaint. The commission will accord a priority to scheduling events and hearings necessary to resolve a joint-use dispute so as to conclude the proceeding no later than 360 days after the filing of a complaint. (Eff. 5/8/88, Reg. 106)

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

**3 AAC 52.940. DEFINITIONS.** Unless the context indicates otherwise, in 3 AAC 52.900 -- 3 AAC 52.940

(1) "administrative expense" means administrative expense as defined in the Uniform System of Accounts prescribed in 3 AAC 48.277 for an electric or telephone utility, or as defined in a comparable accounting system if in use by the particular electric or telephone utility;



(2) "gross pole investment" includes gross investment for bare distribution poles in the pole accounts in the Uniform System of Accounts prescribed in 3 AAC 48.277 for an electric or telephone utility, or in a comparable accounting system if in use by the particular electric or telephone utility;

(3) "maintenance expense" means maintenance expense as defined in the Uniform System of Accounts prescribed in 3 AAC 48.277 for an electric or telephone utility, or as defined in a comparable accounting system if in use by the particular electric or telephone utility;

(4) "pole attachment" means any attachment by a CATV utility to a pole owned, operated, or controlled by an electric or telephone utility; and

(5) "usable space" for pole attachments means the space on a pole above the minimum grade level, as set out in the edition of the National Electrical Safety Code adopted in AS 18.60.580, which can be used for the attachment of wires, cables, and associated equipment. (Eff. 5/8/88, Reg. 106)

Authority: AS 42.05.151  
AS 42.05.311  
AS 42.05.321

**PART 5A.  
ALASKA ROYALTY OIL AND GAS  
DEVELOPMENT ADVISORY BOARD**

**Chapter**

**56. Alaska Royalty Oil and Gas  
Development Advisory Board  
(3 AAC 56.010—3 AAC 56.300)**

**CHAPTER 56.  
ALASKA ROYALTY OIL AND GAS  
DEVELOPMENT ADVISORY BOARD**

Editor's Note: Effective July 19, 1981, the regulations of the Alaska Royalty Oil and Gas Development Advisory Board were relocated to 3 AAC 56, as a result of the transfer of the board from the Department of Natural Resources to the Department of Commerce and Economic Development. As of May 11, 1986, the regulations have been returned to 11 AAC 26 in light of the return of the board to the Department of Natural Resources, by Executive Order No. 61, effective March 15, 1986.

ALASKA ADMINISTRATIVE CODE

TITLE 3

COMMERCE AND ECONOMIC DEVELOPMENT

**PART 5. ALASKA PUBLIC UTILITIES COMMISSION**

**CHAPTER 48. PRACTICE AND PROCEDURE**

**49. DEREGULATION**

**50. ENERGY CONSERVATION**

**52. OPERATION OF PUBLIC UTILITIES**

**[REVISED OCTOBER 1989]**

**ALASKA PUBLIC UTILITIES COMMISSION  
420 "L" STREET, SUITE 100  
ANCHORAGE, AK 99501  
[907] 276-6222**

NOTE TO RECIPIENTS OF APUC REGULATIONS: There are a few errors in these regulations which have been reported to publisher but which have not been corrected in the Supplement. A notation to reflect the correct reading has been made for your assistance in using these regulations.

## **PART 4A. ALASKA PIPELINE COMMISSION**

### **CHAPTER 43**

Repealed 6/29/84.

Editor's notes. — In accordance with the transfer of administrative responsibility for the Pipeline Act (AS 42.06), enacted in ch. 110 SLA 1981, from the Alaska Pipeline Commission to the

Alaska Public Utilities Commission, regulations in 3 AAC 43 are repealed effective 6/29/84, Register 90. Current provisions concerning responsibilities under the Pipeline Act are found in 3 AAC 48.

## **PART 5. ALASKA PUBLIC UTILITIES COMMISSION**

Editor's notes. — Effective 6/29/84, Register 90, the substance of the following repealed regulations in 3 AAC 48 listed in

the first column is contained in the regulations listed in the second column.

## COMMERCE AND ECON. DEV.

Repealed	is	Contained in	
3 AAC 48.050(k)—(n) .....		3 AAC 48.055	3 AAC 48.150(l)—(n) ..... 3 AAC 48.157
3 AAC 48.090(e) .....		3 AAC 48.105	3 AAC 48.150(o) ..... 3 AAC 48.159
3 AAC 48.150(d) .....		3 AAC 48.151	3 AAC 48.275(d)—(f) ..... 3 AAC 48.277
3 AAC 48.150(e) .....		3 AAC 48.152	
3 AAC 48.150(f) .....		3 AAC 48.153	The history of the repealed regulations before 6/29/84 is not reflected in the history notes at the new locations.
3 AAC 48.150(g)—(j) .....		3 AAC 48.154	
3 AAC 48.150(k) .....		3 AAC 48.156	

### Chapter

- 48. Practice and Procedure (3 AAC 48.010—3 AAC 48.820)
- 49. Deregulation (3 AAC 49.010—3 AAC 49.100)
- 50. Energy Conservation (3 AAC 50.100—3 AAC 50.820)
- 52. Operation of Public Utilities (3 AAC 52.010—3 AAC 52.940)

## CHAPTER 48. PRACTICE AND PROCEDURE

### Article

- 1. Practice Before the Commission (3 AAC 48.010—3 AAC 48.170)
- 2. Utility and Pipeline Tariffs (3 AAC 48.200—3 AAC 48.430)
- 3. Cost-of-Service Study and Rate Design Information for Electric Utilities (3 AAC 48.500—3 AAC 48.560)
- 4. Applications Generally (3 AAC 48.600—3 AAC 48.660)
- 5. Simplified Rate Filing Procedures for Electric Cooperatives (3 AAC 48.700—3 AAC 48.790)
- 6. Miscellaneous Provisions (3 AAC 48.800—3 AAC 48.820)
- 7. Compliance with Economic Stabilization Program (no regulations filed)

### Article 1. Practice Before the Commission

#### Section

- 10. Commission office, hours and seal
- 20. Communications
- 30. Fees, remittances and charges
- 40. Privileged records and information
- 45. Proprietary information, privileged status — Procedure
- 47. Proprietary information, privileged status — Adverse determination
- 49. Motion for public access to proprietary or privileged material or information
- 50. Inspection of records and facilities
- 55. Subpoenas
- 60. Formal and informal procedures and files
- 70. Formal proceedings
- 80. Appearances
- 90. Filing, service, amendment and disposition of pleadings
- 100. General requirements of pleadings
- 105. Petitions for reconsideration
- 110. Intervention

#### Section

- 115. Compensation for consumer participation
- 120. Informal complaints
- 130. Formal complaints, protests and investigations
- 140. Conferences
- 150. Hearings
- 151. Order of hearing
- 152. Consolidated hearings
- 153. Prefiled testimony
- 154. Evidence and exhibits
- 155. Rights and obligations of parties
- 156. Hearing record
- 157. Allocation of costs
- 159. Standards of conduct — Hearing decorum
- 160. Briefs
- 165. Hearings assigned to administrative law judge or hearing officer
- 168. Concurrent hearings
- 170. Ethical standards, violations

**3 AAC 48.010. COMMISSION OFFICE, HOURS AND SEAL.**

(a) The principal office of the commission is located at 420 "L" Street, Suite 100, Anchorage, Alaska 99501. The commission's area code number is 907 and its telephone number is 276-6222.

(b) The office of the commission is open for the transaction of business each day from 8:00 a.m. until 4:30 p.m., except Saturday, Sunday and every legal holiday.

(c) The official seal of the commission is a vignette of the official flag of the State of Alaska surrounded by the words "Alaska Public Utilities Commission," a facsimile of which is reproduced below.



(d) The commission will, by resolution, designate the custodian of its official seal.

(e) Except as a particular credential may provide a more limited authorization, persons issued credentials by the commission are authorized to enter, inspect, and examine any and all lands, buildings, and equipment of persons subject to the Alaska Public Utilities Commission Act (AS 42.05) or the Pipeline Act (AS 42.06) and related Acts, and to examine and copy any and all correspondence and other documents of those persons. A properly endorsed facsimile of the commission's credential card as set out below must, on demand, be shown by any representative of the commission whose identity and official authority may be questioned:

## STATE OF ALASKA

THIS IS TO CERTIFY THAT \_\_\_\_\_, whose signature appears on the margin, is a representative of the Alaska Public Utilities Commission and is authorized to inspect any and all books, records, documents, and plant facilities of any person subject to AS 42.05 and AS 42.06 and related Acts.

This identification card expires \_\_\_\_\_.  
ALASKA PUBLIC UTILITIES COMMISSION  
BY (Signature in Ink)

Chairman

(f) The commission will be in continuous session for the performance of its administrative duties, including hearings, participation in meetings, conferences and the conduct of other business. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.101	AS 42.05.151
AS 42.05.121	AS 42.06.140(a)
AS 42.05.141	AS 42.06.440

**3 AAC 48.020. COMMUNICATIONS.** (a) All correspondence with the commission should be addressed to the commission at its principal office and not to an individual staff member or commissioner unless otherwise specifically authorized or directed by the commission. If a written communication to the commission is in response to correspondence or an order of the commission, the response should make reference to the docket number, informal complaint number or file reference used by the commission.

(b) Repealed 6/29/84.

(c) Each written communication should embrace only one subject and should include the name and return address of the sender, the correct docket number and the commission's file reference, if any, to which the communication relates.

(d) If the writer holds a certificate of public convenience and necessity, the certificate holder should use the name on the certificate and state the certificate number. Correspondence not complying with this subsection may be disregarded at the commission's discretion. The commission will, in its discretion, consider any correspondence as an initiatory pleading and proceed accordingly.

(e) Except as provided in 3 AAC 48.240, a written communication is considered to be officially received when delivered to the commission's office. However, a commissioner, or an employee designated by the commission, may also receive written communications away from the commission's office, under conditions prescribed by the commission.

(f) Correspondence signed by an individual staff member or commissioner does not state an official determination by the commission

unless the signature is preceded by the recital "By Direction of the Commission." The presence of this recital constitutes presumptive evidence that the signatory has been delegated specific authority to state the commission's official action in the particular matter. Staff correspondence containing routine interpretations regarding tariffs, accounting, or any other matter under a general delegation of authority will not contain the above recital but will, instead, state that the staff interpretation is subject to direct appeal to the commission by application, petition, or motion. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141  
AS 42.05.151  
AS 42.06.140(a)

### 3 AAC 48.030. FEES, REMITTANCES AND CHARGES. (a)

Every charge payable to the commission shall be transmitted by letter indicating the amount and purpose thereof.

(b) Every remittance shall be by money order, bank draft or check payable to the Alaska Public Utilities Commission. Remittances in coin or currency will be tendered at the risk of the loss of money sent in that manner.

(c) Postage stamps shall not be sent as a remittance unless the remitter is so directed.

(d) Every fee required by statute in connection with applications relating to certificates of public convenience and necessity or any other matter which by statute requires formal action by the commission must be paid in full before the matter will be docketed for consideration. Every charge for copying; printing; reproducing; furnishing copies of reports, orders, pleadings, tariff sheets, regulations, etc.; and all costs allocated under AS 42.05.221(e), AS 42.05.401(b), AS 42.05.651, or AS 42.06.610 must be paid promptly upon receipt of the commission's invoice or order designating the amount owed. Failure to remit the amount due will, as appropriate, and at the commission's discretion, result in

- (1) discontinuance of the service for which payment is due;
- (2) denial of standing to participate in a proceeding in which costs may be allocated, until the amount due is paid;
- (3) refusal of the commission to accept or act upon any application or tariff filing of the person who is in arrears, until the amount due is paid; and
- (4) referral of the problem to the attorney general for appropriate action pursuant to AS 42.05.561 — 42.05.611 or AS 42.06.530 — 42.06.570.

(e) The commission may, by general order, prescribe appropriate charges to recover, in whole or in part, the costs it incurs in furnishing

copies of notices, reports, orders or any printed or typed material in its possession, except privileged information or records. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141                      AS 42.05.651  
                  AS 42.05.151                      AS 42.06.140(a)  
                  AS 42.05.201                      AS 42.06.210  
                  AS 42.05.221                      AS 42.06.607  
                  AS 42.05.401                      AS 42.06.610  
                  AS 42.05.561 — .611

**3 AAC 48.040. PRIVILEGED RECORDS AND INFORMATION.** (a) All facts, information, reports, orders, memoranda, books, accounts, and papers of every nature in the possession of the commission are available for examination by the public except

(1) communications relating to personnel matters received upon a confidential basis, and medical and other personal information, which under governing personnel practices of the State of Alaska, are not public information;

(2) staff papers, unless entered as evidence in an adjudicatory proceeding;

(3) written communications between or among the commission, or between members of the commission and members of the staff while expressly assigned to aid the commission in the drafting of any order and findings, with or without opinion, in any matter or proceeding in which a hearing has been held;

(4) communications between a presiding officer, examiner or hearing officer and members of the commission or its staff in respect to any formal proceeding in which they are directly involved;

(5) staff notes and memoranda containing the gist of routine phone calls and conferences;

(6) information and data relating to the commission's budget and legislative proposals prior to the time they are acted upon by the Governor and the Legislature;

(7) bids for contracted services received in response to commission invitations prior to their acceptance;

(8) tape recordings, transcripts, notes, minutes, and other information relating to conferences which, either by order of the commission or by mutual agreement of the parties, are privileged;

(9) any specifically designated information in an application, tariff filing, report or document which, for good cause shown, the commission may order withheld pursuant to written objection by the filing party;

(10) staff memoranda to the commission containing analyses and recommendations regarding the disposition of tariff filings;

(11) communications between legal counsel for the commission, or its staff, in regard to matters requiring confidential legal advice or assistance;



(12) any information, record or document which, for good cause, the commission may, by order, specifically designate as privileged;

(13) any information, record, or document covered by protective order of the commission which prescribes procedures other than those set out in 3 AAC 48.049 for disclosure of the information, record or document;

(14) any information which is made confidential by federal law or regulation or by state law or regulation; and

(15) any document filed with the commission which relates to the finances or operations of a pipeline subject to federal jurisdiction, and which is in addition to or other than a document required to be filed with the appropriate federal agency.

(b) If a commissioner or employee of the commission is served with a subpoena duces tecum to obtain material which is not part of the public files and records of the commission, it shall be made public only if authorized by the commission. Service of such a subpoena shall immediately be reported to the commission with a statement of all relevant facts. The commission will thereupon enter an appropriate order.

(c) Privileged information will not be made public or furnished to any person except pursuant to a subpoena duces tecum or application to the commission stating specifically the material or information that is desired and the reason it is desired. The commission may grant or deny such requests in whole or in part.

(d) If a person is authorized to obtain privileged information, the commission may attach to its authorization reasonable conditions.

(e) If the privileged information is in the possession of a consultant employed by the commission, the commission may require the person who desires it to reimburse directly the consultant for all or part of the costs incurred including but not limited to, reasonable compensation for professional and clerical services.

(f) All privileged material shall be filed separately from that which is public and no person (except the commission, its staff and its consultants, or other representatives) shall have access to it except pursuant to an order of the commission. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141  
AS 42.05.151  
AS 42.05.671

AS 42.06.140(a)  
AS 42.06.445

**3 AAC 48.045. PROPRIETARY INFORMATION, PRIVILEGED STATUS — PROCEDURE.** (a) If no written request has been made to designate material or information as proprietary or otherwise privileged, all material and information that is filed with, served upon, or otherwise made available to the commission will be

available for examination by the public. Any person wishing to protect material or information filed with, served upon or otherwise made available to the commission shall file with the commission a formal written petition identifying the material or information sought to be protected and setting out the facts, reasons, or other grounds upon which the commission should classify that material or information as proprietary or otherwise privileged.

(b) Unless the public interest or considerations of justice require expedited action, the commission will decide whether to grant protected status in whole or in part, or to deny protected status, within 15 days following submission of a formal written petition.

(c) Pending commission action on a formal written petition, the material or information specifically identified will be treated as proprietary. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.141  
AS 42.05.151  
AS 42.05.671

AS 42.06.140(a)  
AS 42.06.445

**3 AAC 48.047. PROPRIETARY INFORMATION, PRIVILEGED STATUS — ADVERSE DETERMINATION.** (a) If the commission denies protected status under 3 AAC 48.045(b), the petitioner will be notified of the commission's adverse determination.

(b) Within seven days following receipt of notice of an adverse determination, the petitioner may

(1) petition for reconsideration; or

(2) petition to withdraw the material or information.

(c) If the petitioner seeks neither reconsideration nor withdrawal of the material or information, the commission will withdraw the proprietary or privileged status and make the material or information public at the end of the seven-day period prescribed in (b) of this section. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.141  
AS 42.05.151  
AS 42.05.671

AS 42.06.140(a)  
AS 42.06.445

**3 AAC 48.049. MOTION FOR PUBLIC ACCESS TO PROPRIETARY OR PRIVILEGED MATERIAL OR INFORMATION.** (a) Any person may file a written motion requesting access to material or information which the commission has determined to be proprietary or otherwise privileged. The motion must identify as specifically as possible the material or information to which access is sought and must set out the reasons access is sought.

(b) The person filing the motion described in (a) of this section shall serve the sponsor of the protected material or information with a copy

of the motion. Within 15 days after receipt of the motion, the sponsor of the protected material or information may submit its response.

(c) The commission will, at the earliest possible time, issue its determination to grant or deny the motion requesting access.

(d) Disclosure of any material or information covered by a protective order of the commission which prescribes procedures for disclosure other than those contained in this section will be governed by the terms of the order rather than by this section. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.141

AS 42.06.140(a)

AS 42.05.151

AS 42.06.445

AS 42.05.671

**3 AAC 48.050. INSPECTION OF RECORDS AND FACILITIES.** (a) The facilities and records of a public utility or pipeline carrier are not available to the public for inspection, copying or any purpose, other than to furnish a service or commodity, except

(1) as otherwise provided by statute or by an applicable rule, regulation, or general order of the commission;

(2) by specific order of the commission;

(3) with the prior voluntary consent of the utility or pipeline carrier; and

(4) upon enforcement of a subpoena duces tecum or other legal process.

(b) Any member of the commission's staff and any agent, consultant, or other authorized representative of the commission must, upon presentation of authentic credentials issued by the commission, be allowed access to the premises of any utility or pipeline carrier during its regular business hours to investigate, inspect, examine, evaluate, or analyze its rates, services, facilities, accounts, books, records, contracts, and operating practices, and to make copies of any record, account, contract, or other document or paper of the utility or pipeline carrier or to implement, in any other way, any jurisdictional function of the commission. Every resulting note, working paper, memorandum, exhibit, schedule, or other record prepared or copied by the commission's staff, or by its agents, consultants, or other authorized representatives, will be classified as "staff papers," and will be subject to the provisions of 3 AAC 48.040. However, exhibits, evidence, and testimony may be prepared from staff papers, and may be included in the record of any formal proceeding.

(c) If office and desk space is required to perform any function listed in (b) of this section, the utility or pipeline carrier shall provide it at a conveniently located place that is reasonably comfortable, adequately lighted, and otherwise suitable. If the utility or pipeline carrier does not have satisfactory office and desk space in its own quarters, it has

the responsibility of making other suitable arrangements, including the responsibility, if so ordered by the commission, of assuming, and directly paying, rental or lease charges for office and desk space selected by the commission.

(d) Public utilities and pipeline carriers shall, in every way possible within reason, assist the commission's staff and its agents, consultants, and representatives in the performance of any function listed in (b) of this section.

(e) An action or responsibility applicable to public utilities and pipeline carriers under (b), (c), and (d) of this section is also applicable to the affiliated interests of public utilities and pipeline carriers, but only to the extent required to obtain, copy or examine, and analyze any contract, record, account, document, income tax return, report, or paper directly or indirectly relating to a written or unwritten contract or arrangement between a utility or pipeline carrier and its affiliated interests.

(f) Each jurisdictional utility or pipeline carrier which does not keep, in one or more offices located in Alaska, all of its books, accounts, records, and papers relating to its utility or pipeline operations in Alaska shall make application to the commission for an order authorizing it to keep all or part of them elsewhere. That application must

- (1) with reasonable particularity, list and describe the records of its Alaskan utility or pipeline operations that are kept at each specifically described location in Alaska;

- (2) with reasonable particularity, list and describe the records of its Alaskan utility or pipeline operations that are kept at each specifically described location in places other than within Alaska;

- (3) specifically request permission to continue keeping either all or part of the records described in (2) of this subsection at the places where they are located, or at other specifically described places, outside Alaska; and

- (4) set out, in complete detail, the grounds for a request made under (3) of this subsection;

- (5) repealed 6/29/84.

(g) The commission will docket each application submitted under (f) of this section, notice it to the public, at the discretion of the commission hold a hearing on it, and enter an appropriate order based upon the facts of record.

(h) If a utility or pipeline carrier has a contract or arrangement with an affiliated interest which keeps accounts, records, or other supporting information pertaining to those documents outside of Alaska, the utility or pipeline carrier shall notify the commission of the identity, content, and location of the documents. If a change occurs in the identity, content, or location of the documents, the utility or

pipeline carrier shall notify the commission within 30 days after the date of the change.

(i) If the commission authorizes, or requires, a utility or pipeline carrier to keep any of its accounts, records, and supporting information outside the State of Alaska, the utility or pipeline carrier may not deviate from the terms of the commission's order

(1) with respect to the places where its records and accounts are kept without first notifying the commission as to the change; or

(2) with respect to the kinds of accounts and records that are kept at each location without first applying for, and obtaining, authority to do so.

(j) If a utility or pipeline carrier or its affiliated interest elects to pay the expenses of sending commission personnel to any out-of-state place where its records are kept, the utility or pipeline carrier shall provide transportation and, within 30 days after billing, reimburse the commission for the expenses incurred by the commission in sending personnel to examine the utility's or pipeline carrier's or its affiliated interest's books and records at the place where they are kept. The expenses subject to reimbursement will be documented and will fully comply with applicable state regulations. The chairman of the commission will approve the expenses before submitting the bill to the utility or pipeline carrier for payment.

(k) Repealed 6/29/84.

(l) Repealed 6/29/84.

(m) Repealed 6/29/84.

(n) Repealed 6/29/84. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141	AS 42.06.140(a)
AS 42.05.151	AS 42.06.430
AS 42.05.491	AS 42.06.440
AS 42.05.501	

**3 AAC 48.055. SUBPOENAS.** (a) A subpoena duces tecum for the production of books, records, papers, or other documents of any sort will be issued by the commission, at its discretion, upon application. The subpoena will be under the seal of the commission, on a commission form, and will describe the documents ordered to be produced in sufficient detail to permit ready identification.

(b) Applications for the issuance of a subpoena requiring the attendance of a witness for the purpose of taking oral testimony before the commission must be in writing and may be made by letter or wire.

(c) Unless otherwise directed by the commission, a subpoena or subpoena duces tecum will be issued by the commission only upon verified application showing general relevance and reasonable scope of the evidence sought. An application for a subpoena duces tecum must also specify with particularity the books, papers, or documents de-

sired, and the facts expected to be proved by them. However, for good cause shown, the officer presiding at a hearing may issue a subpoena or subpoena duces tecum upon oral request made upon the record.

(d) A subpoena will be under the seal of the commission, will be on a commission form, and will not be issued unless the applicant establishes that the applicant has a proper relationship to the matter and gives the name and address of the desired witness.

(e) Signed and sealed blank subpoenas or subpoenas duces tecum will not be issued to anyone. The name and address of the witness will be inserted in the original subpoena, a copy of which will be filed in the proceeding. A subpoena or a subpoena duces tecum will show at whose request the subpoena is issued. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.141  
AS 42.05.151  
AS 42.06.140(a)

**3 AAC 48.060. FORMAL AND INFORMAL PROCEDURES AND FILES.** (a) The commission shall maintain separate files for all formal proceedings, assign a docket number and an appropriate caption to each formal proceeding and maintain a docket book. The docket pages for each proceeding shall contain

- (1) the assigned docket number and caption of the proceeding;
- (2) the date the proceeding was instituted;
- (3) the general nature, filing party and date of each order, filing and submittal;
- (4) the name of the court, and number assigned by the court to any order that is appealed;
- (5) a cross-reference showing the order book and page where the original copy of each order is filed.

(b) A separate series of docket numbers will be used for each calendar year. Each series will begin with a capital letter "U" for utility proceedings, "P" for pipeline proceedings, or "R" for rulemaking proceedings, followed by a dash, the year designated by the last two numbers of the year, another dash, and then a number starting with the number "1" for the first formal proceeding and ending with the sequential number for the last proceeding docketed in a calendar year. For the year 1982, for example, the first proceeding that is docketed will be assigned Docket No. U-82-1 if it is a utility proceeding, or P-82-1 if it is a pipeline proceeding and the last one, if there is a total of 75, would be in Docket No. U-82-75 if it is a utility proceeding or P-82-75 if it is a pipeline proceeding.

(c) The caption originally assigned to a proceeding by the commission shall not be changed in any way except by formal order and shall be used by the commission and all parties to the proceeding unless and until it is revised by order of the commission. All pleadings shall

contain the officially assigned caption and the docket number shall be placed to the right of the caption, the same as in commission orders.

(d) The commission shall maintain a separate and complete file for each formal proceeding containing the original copy of each filing together with the hearing transcript, if any, and all other material relating to the proceeding.

(e) Orders of the commission in each proceeding shall be designated as "ORDER NO. 1," "ORDER NO. 2," etc.

(f) Informal complaints will be kept in a separate file and will be numbered in the same general manner described in (b) of this section, except that the capital letter "C" will be used for utilities instead of the capital letter "U" and the capital letters "PC" will be used for pipeline carriers instead of the capital letter "P."

(g) If an informal complaint is not resolved by informal action, the complainant may request the commission to take formal action. If the commission institutes a formal proceeding, the entire informal file shall be transferred to the file of the formal proceeding and become a part of the correspondence pertaining to the formal proceeding. The informal file shall not become a part of the record of the formal proceeding, however, unless and until the informal file is admitted into evidence in a hearing in the formal proceeding.

(h) The commission will establish and maintain a separate set of files containing a copy of every special contract and the complete effective tariff of every utility and pipeline carrier together with every advice letter and all associated correspondence.

(i) If a tariff filing is suspended, in whole or in part, during the statutory period of notice to the commission and the public, one copy of the filing will be transferred to the formal proceeding file in which the commission's suspension order was entered, together with a copy of the advice letter and all unprivileged material relating to the filing. Pending hearing on a suspended filing, the commission will, in its discretion issue an order instituting an investigation by its own staff, or by a consultant employed to work with its staff, or other orders it considers appropriate. Every order relating to a suspended tariff filing will be entered in the same proceeding as the one in which the suspension order was entered. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141  
AS 42.05.151  
AS 42.05.201

AS 42.05.361  
AS 42.06.140(a)  
AS 42.06.400

**3 AAC 48.070. FORMAL PROCEEDINGS.** (a) Except as otherwise provided by 3 AAC 48.030 and 3 AAC 48.650, an application for a certificate of public convenience and necessity or for the revision, sale, lease, rental, or inheritance of a certificate; or for the authority to

acquire a controlling interest in a certificated public utility or pipeline carrier; or any other application required by AS 42.05 or AS 42.06, will be docketed and considered in a formal proceeding.

(b) A tariff filing will not be docketed or considered in a formal proceeding unless it is suspended by order of the commission within the statutory notice period.

(c) The commission may institute a formal proceeding in regard to any jurisdictional matter, either on its own motion or on complaint. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141	AS 42.06.140(a)
AS 42.05.151	AS 42.06.260
AS 42.05.171	AS 42.06.290
AS 42.05.241	AS 42.06.300
AS 42.05.261	AS 42.06.340
AS 42.05.271	AS 42.06.400
AS 42.05.281	

**3 AAC 48.080. APPEARANCES.** (a) In any formal proceeding in which pleadings are filed, a party may appear before the commission and be represented by

- (1) attorneys at law admitted to practice in Alaska;
- (2) attorneys at law qualified and entitled to practice before the highest court of record of any other state;
- (3) himself or herself;
- (4) a co-partner of a partnership;
- (5) an officer, or full-time employee, of a corporation;
- (6) bona fide officer, or full-time employee of an unincorporated association;
- (7) a duly authorized officer, agent or employee of a political subdivision; or
- (8) any persons who can satisfy the commission that they possess the qualifications necessary to enable them to render valuable service before the commission, and that they are otherwise competent to advise and assist in the presentation of matters before the commission.

(b) An attorney may be permitted to withdraw from a proceeding before the commission under the conditions and in the manner prescribed in Alaska Rule of Civil Procedure 81 for the withdrawal of an attorney from a superior court proceeding.

(c) The commission may disqualify, and deny, temporarily or permanently, the privilege of appearing or practicing before it in any way, to any individual who is found by the commission, after hearing, either to be lacking in the requisite qualifications to represent others or in character or integrity or to have engaged in unethical or improper professional conduct. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)



Authority: AS 42.05.141  
AS 42.05.151

**3 AAC 48.090. FILING, SERVICE, AMENDMENT AND DISPOSITION OF PLEADINGS.** (a) A document is considered filed with the commission on the date it is received by the commission, or by a commissioner or a staff member designated by the commission to receive papers, correspondence, and filings. If a party has the right, or is required, to perform some act within a prescribed period after notice or pleading is served on that party, and the notice is served by mail, the prescribed period begins three days after the date of certification of mailing. In computing any period of time prescribed or allowed by rule, order, or statute, the day of the act, event, or default after which the designated period of time begins to run is not included, in accordance with AS 01.10.080. If the last day of the period so computed is a Saturday, Sunday, or legal holiday, the period runs until the end of the commission's next regular business day. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays are excluded in the computation.

(b) Unless otherwise directed by the commission, service of pleadings, orders, and other documents is valid and complete if made by delivering, in person or by mail,

(1) an original and six copies to the commission for each document; and

(2) one copy to each party, or to the party's attorney of record or other authorized representative.

(c) Pleadings shall be liberally construed and any defect that does not substantially affect the rights of the parties will, in the commission's discretion, be disregarded. Subject to any conditions it may impose, the commission may allow a pleading to be amended, withdrawn, corrected, supplemented or to be made orally with written notice to any other party. Pleadings that are considered grossly defective may, in the commission's discretion, be disregarded or rejected and returned to the pleading party together with an explanation, in writing, of the reason for the action taken.

(d) At any stage of the proceeding, prior to entry of a commission's final order

(1) an application or petition may be withdrawn without order of the commission by filing a notice of withdrawal;

(2) the proceeding may be terminated by filing a stipulation agreed to by all parties of record provided the commission does not find that the public interest requires the proceeding to be continued;

(3) a party shall promptly file an amendment to any pleading explaining any changed facts or circumstances if, after the date of the original pleading, there is a significant change in the informa-